

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 05-0069-CR-W-NKL
)	
FORESTINE MILES,)	
)	
Defendant.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

On July 10, 2006, Judge John T. Maughmer, United States Magistrate Judge, recommended that the Court enter an Order finding that Forestine Miles is competent to understand the nature and consequence of the proceedings against him and to assist properly in his defense. *See* Report and Recommendation [Doc. # 30]. Judge Maughmer reminded the parties that they had ten days to submit their objections to his recommendation. Neither party filed objections.

Miles was indicted in March 2005 for possessing with intent to distribute at least five grams of cocaine base. *See* Indictment [Doc. # 1]. In April 2006, Miles's counsel requested that he be examined to determine his competency to stand trial. Judge Maughmer ordered that such an evaluation should occur. *See* Order [Doc. # 22].

Dr. William J. Ryan conducted the evaluation of Miles. After conducting a battery of tests and consulting with Miles, Dr. Ryan stated that Miles was competent to assist his counsel and to stand trial. Dr. Ryan filed a report with the Court and with counsel. On

July 10, 2006, Judge Maughmer conducted a competency hearing. Miles's counsel stipulated to the opinion of Dr. Ryan and neither the Government nor Miles presented any additional evidence. Judge Maughmer subsequently submitted the pending recommendation.

Having conducted an independent review of Dr. Ryan's report and the transcript from the competency hearing, the Court concludes that Judge Maughmer's Report and Recommendation should be adopted.

Accordingly, it is hereby

ORDERED that Judge Maughmer's Report and Recommendation of July 10, 2006 [Doc. # 30], is adopted.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

DATE: July 28, 2006
Kansas City, Missouri